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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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JORGE GARCIA,  
Plaintiff,

*versus*

FOREMOST INSURANCE COMPANY OF  
GRAND RAPIDS, MICHIGAN,  
Defendant.

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CASE NO. 1:18-CV-00566-MAC

**ORDER ADOPTING REPORT AND RECOMMENDATION GRANTING MOTION  
FOR SUMMARY JUDGMENT AND DISMISSING CASE**

On October 29, 2018, Plaintiff Jorge Garcia (“Garcia”) filed his complaint in the Eastern District of Texas, Beaumont Division, alleging breach of contract claims and noncompliance with FEMA’s rules and regulations. Doc. No. 1, p. 6-8. On February 7, 2020, Defendant Foremost Insurance Company (“Foremost”) filed a “Motion for Summary Judgment” alleging that Garcia’s failure to comply with SFIP Articles VII (J)(3) and VII(J)(4)—submitting a compliant proof of loss—and Garcia’s failure to satisfy the conditions precedent of his SFIP bars Garcia from recovery. Doc. No. 11, p. 7, 8. On March 30, 2020, Garcia filed his “Response in Opposition to Defendant’s Motion for Summary Judgment” (Doc. No. 15) claiming that the initial estimate was sufficiently detailed to comply with the SFIP’s proof of loss requirements, and, therefore, Garcia satisfied the conditions precedent to recover additional funds under the SFIP. Doc. No. 15, p. 1. On April 10, 2020, United States Magistrate Judge Zack Hawthorn entered a report (Doc. No. 19), which recommended granting Foremost’s motion for summary judgment and dismissing the case. Garcia failed to file objections to the magistrate judge’s report and recommendation and the time for doing so has passed.

It is, therefore, **ORDERED** that the magistrate judge's report and recommendation (Doc. No. 19) is **ADOPTED**. Accordingly, Foremost's "Motion for Summary Judgement" (Doc. No. 11) is **GRANTED** and Garcia's case is **DISMISSED**.

A final judgment will be entered separately.

SIGNED at Beaumont, Texas, this 4th day of May, 2020.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE